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*Attorneys for Defendants Sheryl Foster,  
Patrick Vejar, and Jo Gentry*

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

ELIZABETH CARLEY,

Plaintiff,

V.

JO GENTRY, *et al.*,

## Defendants.

Case No. 2:17-cv-02670-MMD-VCF

**DEFENDANTS' UNOPPOSED  
MOTION FOR EXTENSION OF TIME  
TO RESPOND TO PLAINTIFF'S  
SECOND AMENDED COMPLAINT**

## (First Request)

Defendants Sheryl Foster, Patrick Vejar, and Jo Gentry, by and through counsel, Aaron D. Ford, Nevada Attorney General, and Jared M. Frost, Senior Deputy Attorney General, hereby request a thirty (30) day extension of time to respond to Plaintiff's Second Amended Complaint filed December 4, 2019 (ECF No. 75). Defendants' extension request is made and based on the following memorandum of points and authorities, the pleadings and papers on file herein, and any other evidence the Court deems appropriate to consider.

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1                   **MEMORANDUM OF POINTS AND AUTHORITIES**

2           **I. BACKGROUND**

3           This is a prisoner civil rights action. Plaintiff filed her original Complaint on  
4 October 16, 2017. ECF No. 1-1.

5           On September 5, 2018, the Court issued its Screening Order. ECF No. 3.

6           On November 16, 2018, the parties participated in a mediation conference that did  
7 not result in settlement. ECF No. 7.

8           On March 22, 2019, Plaintiff filed an Amended Complaint ECF No. 27.

9           On April 1, 2019, Defendants Foster and Vejar filed a Motion to Dismiss Plaintiff's  
10 Amended Complaint. ECF No. 32.

11           On April 16, 2019, Defendant Gentry filed a Joinder to the Motion to Dismiss  
12 Plaintiff's Amended Complaint. ECF No. 35.

13           On June 21, 2019, the Court issued its Discovery Plan and Scheduling Order. ECF  
14 No. 44.

15           On August 16, 2019, Defendant filed a Motion to Stay Discovery. ECF No. 46.

16           On September 16, 2019, Plaintiff a motion to file a second-amended complaint. ECF  
17 No. 53.

18           On September 27, 2019, Plaintiff filed a motion requesting appointment of counsel.  
19 ECF No. 57.

20           On October 16, 2019, the Court granted Defendants' motion to stay discovery. ECF  
21 No. 61.

22           On December 4, 2019, the Court granted Plaintiff's motion to file a second-amended  
23 complaint and denied Defendants' motion to dismiss as moot. ECF No. 74.

24           Defendants' request for a thirty (30) day extension of time to respond to the second-  
25 amended complaint follows.

26           **II. APPLICABLE LAW**

27           Pursuant to Federal Rule of Civil Procedure 6(b)(1)(A), the Court may extend the  
28 time to perform an act within a specified time for good cause shown.

1      **III. ARGUMENT**

2      Defendants submit that their request for additional time to respond to the second-  
3      amended complaint is supported by good cause. Since this Court denied Defendants' motion  
4      to dismiss and filed the second-amended complaint on December 4, defense counsel has  
5      contacted Defendants and requested a call back to discuss their response. Exhibit 1  
6      (Declaration of Counsel). However, additional time is needed to confer with all Defendants  
7      and to complete a response. *Id.* Furthermore, defense counsel is scheduled to be out of the  
8      office from December 24, 2019, through January 1, 2020, and Plaintiff does not oppose the  
9      extension request. *See id.* Consequently, the Court should grant Defendants' request for an  
10     additional thirty (30) days to respond to the second-amended complaint.

11     **IV. CONCLUSION**

12     DATED this 18th day of December, 2019.

13                    AARON D. FORD  
14                    Attorney General

15                    By:    /s/ Jared M. Frost  
16                    JARED M. FROST (Bar No. 11132)  
17                    Senior Deputy Attorney General

18                    *Attorneys for Defendant Sheryl Foster,  
19                    Patrick Vejar, and Jo Gentry*

20                    **ORDER**

21     **IT IS SO ORDERED.** Defendants shall file their Response to Plaintiff's Second-  
22     Amended Complaint (ECF No. 75) on or before January 17, 2020.

23     Dated this 18th day of December, 2019.

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UNITED STATES MAGISTRATE JUDGE  
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## **CERTIFICATE OF SERVICE**

I certify that I am an employee of the State of Nevada, Office of the Attorney General, and that on December 18, 2019, I electronically filed the foregoing **DEFENDANTS' UNOPPOSED MOTION FOR EXTENSION OF TIME TO RESPOND TO PLAINTIFF'S SECOND AMENDED COMPLAINT (First Request)** via this Court's electronic filing system. Parties who are registered with this Court's electronic filing system will be served electronically. For those parties not registered, service was made by depositing a copy for mailing in the United States Mail, first-class postage prepaid, at Las Vegas, Nevada, addressed to the following:

Elizabeth Carley, #1095997  
Florence McClure Women's Correctional Center  
4370 Smiley Road  
Las Vegas, Nevada 89115  
*Plaintiff, Pro Se*

/s/ Carol A. Knight  
CAROL A. KNIGHT, an employee of the  
Office of the Nevada Attorney General

# **EXHIBIT 1**

## **Declaration of Counsel**

# **EXHIBIT 1**

1 AARON D. FORD  
2 Attorney General  
3 JARED M. FROST (Bar No. 11132)  
Senior Deputy Attorney General  
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7 *Attorneys for Defendants Sheryl Foster,  
Patrick Vejar, and Jo Gentry*

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12 **UNITED STATES DISTRICT COURT**

13                   **DISTRICT OF NEVADA**

14 ELIZABETH CARLEY,

Case No. 2:17-cv-02670-MMD-VCF

15                   Plaintiff,

16 v.

17 JO GENTRY, *et al.*,

18                   **DECLARATION OF COUNSEL**

Defendants.

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20 I, JARED M. FROST, hereby declare, based on personal knowledge and/or information  
21 and belief, that the following assertions are true:

22 1. I am a Senior Deputy Attorney General employed by the Nevada Attorney  
23 General in the Litigation Division, and I make this declaration in support of Defendants'  
24 Unopposed Motion for Extension of Time to Respond to Plaintiff's Second Amended  
25 Complaint.

26 2. Since this Court denied Defendants' motion to dismiss and filed the second-  
27 amended complaint on December 4, I have contacted Defendants and requested a call back

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1 to discuss their response. However, additional time is needed to confer with all Defendants  
2 and to complete a response.

3       3. Furthermore, I am scheduled to be out of the office from December 24, 2019,  
4 through January 1, 2020, on planned annual leave.

5       4. On December 17, 2019, I spoke with Plaintiff by phone and asked if she  
6 opposed Defendants' extension request. Plaintiff confirmed that she did not oppose the  
7 request.

8       5. This request is made in good faith and not for the purpose of delay.

9       Pursuant to 28 U.S.C. section 1746 Declarant certifies, under penalty of perjury, that  
10 the foregoing is true and correct.

11      DATED this 18th day of December, 2019.

12                     AARON D. FORD  
13                     Attorney General

14                     By:     /s/ Jared M. Frost  
15                     JARED M. FROST (Bar No. 11132)  
16                     Senior Deputy Attorney General

17                     *Attorneys for Defendant Sheryl Foster,  
18                     Patrick Vejar, and Jo Gentry*

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